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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,022	01/19/2001	Jamshid Eftekhari	NC33311	7835

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
2674	15

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,022

Applicant(s)

EFTEKHARI, JAMSHID

Examiner

Jennifer T Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to amendment filed on 04/26/2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolas et al. (U.S. Patent No. 6,593,944) in view of Morgenthaler (U.S. Patent No. 6,310,609).

Regarding claims 1, 10, 17, and 26, referring to Figs. 1-8, Nicolas teaches a method in a device (100) having a plurality of character-entry pressure points (75) for selecting a function in a markup language file comprising: reading the markup language file; detecting a reference to a character encoding having a corresponding function; detecting an entry by the character-entry pressure point (75); and triggering the function (see abstract, from col. 10, line 1 to col. 15, line 40).

Nicolas differs from claims 1, 10, 17, and 26 in that he does not specifically teach illuminating at least one character-entry pressure point having a character encoding. However, referring to Figs. 4 and 5, Morgenthaler discloses illuminating at least one character-entry pressure point having a character encoding (abstract, col. 9, lines 32-41, lines 47-61). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the illuminating at least one character-entry pressure point having a character encoding as taught by Morgenthaler in the system of Nicolas in order to allow highlight the

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portions of a display, easily select the functions by inputting specific illuminating associated with the function and to improve the performance.

Regarding claims 2 and 18, the combination of Nicolas and Morgenthaler teaches illuminating the at least one character-entry pressure point comprises illuminating less than the plurality of character-entry pressure points (col. 5, lines 35-40 of Morgenthaler).

Regarding claims 3 and 19, the combination of Nicolas and Morgenthaler teaches the device (300) has displayed a number of references and illuminating the at least one character-entry pressure point comprises illuminating the number of character-entry pressure points (col. 6, lines 33-67 of Morgenthaler).

Regarding claims 4, 5, 20 and 21, the combination of Nicolas and Morgenthaler teaches detecting an entry by the character-entry pressure point comprises detecting a key-press and a key-release (col. 6, lines 20-23 of Morgenthaler).

Regarding claims 6 and 22, Nicolas further teaches detecting an entry by the character-entry pressure point comprises detecting a long-duration key press (from col. 13, line 35 to col. 14, line 6).

Regarding claims 7, 8, 23 and 24, Nicolas further teaches triggering a function comprises a step of displaying a card and reading a deck (from col. 10, line 1 to col. 15, line 40).

Regarding claims 9 and 25, Nicolas further teaches triggering a function further comprises moving a cursor (from col. 13, line 35 to col. 14, line 6).

Regarding claim 11, the combination of Nicolas and Morgenthaler teaches illuminating a light emitting diode (LED) near the character-entry pressure point (col. 3, lines 60-64 of Morgenthaler).

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Regarding claims 12 and 13, the combination of Nicolas and Morgenthaler teaches detecting comprises sensing a long duration circuit closure (col. 8, lines 44-54 of Morgenthaler).

Regarding claim 14, the combination of Nicolas and Morgenthaler teaches detecting comprises sensing a circuit opening (col. 8, lines 44-54 of Morgenthaler).

Regarding claim 15, Nicolas further teaches displaying a portion of a markup language card (from col. 10, line 1 to col. 15, line 40).

Regarding claim 16, the combination of Nicolas and Morgenthaler teaches triggering comprises reading a second markup language file (from col. 10, line 1 to col. 15, line 40 of Nicolas).

Regarding claim 27, the combination of Nicolas and Morgenthaler teaches the CPU is further programmed to illuminate the manual user data entry device with a sufficient number of colors to present the identified string occurrences (col. 5, lines 11-52 of Morgenthaler).

Regarding claim 28, Nicolas further teaches the wireless device comprises a mobile phone (col. 6, lines 1-15, col. 9, lines 60-66).

Regarding claim 29, Nicolas further teaches the file is received through a wireless link using a wireless transceiver having an output coupled to the CPU (from col. 5, line 58 to col. 6, line 15).

Response to Arguments

4. Applicants' arguments filed 04/26/2004, have been fully considered but they are not persuasive because as follows:

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In response to Applicants' argument filed "Nicolas fails to teach or suggest exactly how a specific key would be associated with a frame identifier or a URL. Further, and with specific regard to a hyperlink". However, Nicolas teaches the activation of a hypertext link by means of a key press (col. 10, lines 41-53), specifically, the user can provide the URL by inputting the URL, pressing a specific key (i.e., function keys) which associated with the URL, of course, user can user different ways by clicking the mouse while a cursor is positioned over the hyperlink, pointing at a hyperlink with a pen (col. 11, lines 40-67). Applicant also argued that "it is clearly not admitted that one skilled in the art would be led to combine the teaching of Nicolas and Morgenthaler". Examiner disagreed, the combination is proper because Nicolas teaches by pressing a specific key on the small-sized electronic display device (i.e., cellular phone), the associated frame identifier or a URL is activated, and the hyperlink is selected. Morgenthaler teaches using illuminated keypad keys (different color lights) to guide a user to access and select Internet functions. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the illuminating at least one character-entry pressure point having a character encoding as taught by Morgenthaler in the system of Nicolas in order to allow highlight the portions of a display, easily select the functions by inputting specific illuminating associated with the function and to improve the performance.

Therefore, it is believed that the claims 1-29 are still met by Nicolas and Morgenthaler and the rejection is still maintained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**.

The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.


REGINA LIANG
PRIMARY EXAMINER